

Appl. No.: 10/586,794  
Amdt. dated July 28, 2009  
Reply to Office Action of April 28, 2009

### **REMARKS/ARGUMENTS**

In the "Office Action Summary" portion of the Office Action dated April 28, 2009, it is indicated that the drawings are objected to. However, in the "Detailed Action" portion of the Office Action, there is no mention of any objections to the drawings. Thus, because an objection to the drawings is not described in the Detailed Action portion of the Office Action, this Response assumes that there is no objection to the drawings.

In addition, in the Detailed Action portion of the Office Action, the Abstract was objected to as being in incorrect format, Claim 11 was rejected under 35 U.S.C. § 112, second paragraph, and Claims 1-22 were rejected under 35 U.S.C. § 103(a) as being obvious in light of various references. In response to this Office Action, Claims 1, 4-5, 8-12, 15-16, and 20-22 have been amended, and Claims 2-3, 6-7, and 14 have been canceled. Following this response, Claims 1, 4-5, 8-13, and 15-22 remain pending in the application. The rejections of each of the independent claims are addressed in more detail below.

#### **A. Objection to Abstract**

The Abstract was objected to as being in improper format. In response, Applicants have submitted a replacement paragraph for the Abstract that places the Abstract in the proper format. Accordingly, Applicants respectfully request the Examiner to withdraw the objection to the Abstract.

#### **B. Rejection of Dependent Claim 11 under 35 U.S.C. § 112, second paragraph**

Dependent Claim 11 was rejected under § 112, second paragraph as being indefinite. In response, Applicants have amended Claim 11 to recite that the first identification medium is a short-range communication RFID and is transmitting and receiving a signal by short-range communication between the RFID of the first identification medium and the RFID of the second identification medium. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of Claim 11 under § 112, second paragraph.

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**C. Rejection of Independent Claims 1 and 16 and Dependent Claims 2-11 and 17-19 under 35 U.S.C. § 103(a)**

Independent Claims 1 and 16 and dependent Claims 2-5, 7-8, 10, and 19 were rejected under § 103(a) as being obvious in light of JP 2002-125721 to Motoshige ("*Motoshige*") in view of U.S. Patent No. 7,075,435 to Jesser ("*Jesser*"). In addition, dependent Claims 6 and 17-18 were rejected as obvious in light of *Motoshige* in view of *Jesser* and further in view of U.S. Published Patent Application No. 2005/0212662 to Antmann ("*Antmann*"). Dependent Claim 9 was rejected as obvious in light of *Motoshige* in view of *Jesser* and further in view of U.S. Published Patent Application No. 2003/0122655 to Hum ("*Hum*"). Applicants have canceled Claims 2-3 and 6-7 and have amended independent Claims 1 and 16. Specifically, Claims 1 and 16 have been amended to recite that the first identification medium is always attached to a fastening product to be attached to the article as an identification medium for true-false decision with respect to the article, and the second identification medium is removably attached to the article as an identification medium for commodity distribution control with respect to the article without changing a usage state of the article. Applicants respectfully assert that the prior art does not disclose or suggest these features.

In particular, *Motoshige* discloses a pull tag of a slide fastener provided with an IC chip buried therein. However, *Motoshige* fails to disclose or suggest two identification mediums that could be used separately for true-false decision and for commodity distribution control.

*Jesser* also fails to disclose or suggest the features of Claims 1 and 16. Specifically, *Jesser* discloses attaching a tag assembly 34 to the outside of a shipping container 40 and then removing the tag 10 from the assembly 34 for attaching to a product in the container 40. Thus, in *Jesser*, only one kind of tag 10 is utilized, and this tag 10 is not always attached to the same item. In addition, in the embodiment of *Jesser* described in relation to Figures 5 and 9 in which more than one tag 10 is attached to the container, the multiple tags are not used separately for true-false decision and commodity distribution control, as recited in Claims 1 and 16. Thus, *Jesser* does not disclose a first identification medium that is always attached to a fastening product to be attached to an article as an identification medium for true-false decision with respect to the article and a second identification medium that is removably attached to the article

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as an identification medium for commodity distribution control with respect to the article without changing a usage state of the article.

Because none of the prior art references disclose or suggest all of the features of Claims 1 and 16 as amended, Applicants respectfully request the Examiner to withdraw the rejection of Claims 1 and 16 under § 103(a).

Dependent Claims 4-5 and 8-11 depend from independent Claim 1 and include all of the recitations thereof. For this reason and at least the reasons stated above with respect to independent Claim 1, dependent Claims 4-5 and 8-11 are patentable over the prior art. Dependent Claims 17-19 depend from independent Claim 16 and include all of the recitations thereof. For this reason and at least the reasons stated above with respect to independent Claim 16, dependent Claims 17-19 are patentable over the prior art.

**D. Rejection of Independent Claims 12 and 20 and Dependent Claims 13-15 and 21-22 under 35 U.S.C. § 103(a)**

Independent Claim 12 and dependent Claims 13-15 were rejected under § 103(a) as being obvious in light of *Motoshige* in view of *Jesser* in view of JP 2003-218624 A to Takeda ("*Takeda*"). In addition, independent Claim 20 and dependent Claim 21 were rejected as obvious in light of *Motoshige* in view of *Jesser*. Dependent Claim 22 was rejected as obvious in light of *Motoshige* in view of *Jesser* and further in view of U.S. Published Patent Application No. 2005/0057404 to Demicco ("*Demicco*"). Applicants have canceled Claim 14 and have amended independent Claims 12 and 20. Specifically, Claims 12 and 20 have been amended to recite that a first identification medium is always attached to a fastening product to be attached to an article as a short-range communication RFID, and the RFID of the first identification medium has an antenna connecting terminal for long-range communication. The first identification medium is used as an identification medium for commodity distribution control with respect to the article when an antenna for long-range communication is connected to the antenna connecting terminal, and the first identification medium is used as an identification medium for true-false decision with respect to the article when the antenna for long-range communication is not connected to the antenna connecting terminal. Applicants respectfully assert that the prior art does not disclose or suggest these features.

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In particular, *Motoshige* discloses a pull tag of a slide fastener provided with an IC chip for short-range communication buried therein. However, *Motoshige* fails to disclose or suggest that the IC chip can serve as an identification medium for true-false decision *and* for commodity distribution control, and the IC chip in *Motoshige* does not have an antenna connecting terminal for long-range communication, as recited in Claims 12 and 20.

*Jesser* also fails to disclose or suggest the features of Claims 12 and 20. Specifically, *Jesser* discloses attaching a tag assembly 34 to the outside of a shipping container 40 and then removing the tag 10 from the assembly 34 for attaching to a product in the container 40. Thus, in *Jesser*, only one kind of tag 10 is utilized, the tag is not always attached to the same item, and the tag 10 is not used separately for true-false decision and commodity distribution control. In addition, *Jesser* does not disclose or suggest that the tag 10 is a short-range communication RFID that has an antenna connecting terminal for long-range communication or that the first identification medium is used as an identification medium for commodity distribution control with respect to the article when an antenna for long-range communication is connected to the antenna connecting terminal and as an identification medium for true-false decision with respect to the article when the antenna for long-range communication is not connected to the antenna connecting terminal.

Dependent Claims 13 and 15 depend from independent Claim 12 and include all of the recitations thereof. For this reason and at least the reasons stated above with respect to independent Claim 1, dependent Claims 13 and 15 are patentable over the prior art. Dependent Claims 21-22 depend from independent Claim 20 and include all of the recitations thereof. For this reason and at least the reasons stated above with respect to independent Claim 20, dependent Claims 21-22 are patentable over the prior art.

#### **E. Conclusion**

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

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therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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